



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 7, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0214

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 – Arrests, 6.010-POL-1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Unfounded (Expedited)
# 2	11.050 – Detainee Property, 11.050-POL-1. Officers Secure Detainee Property	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.010 – Arrests, 6.010-POL-1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Unfounded (Expedited)
# 2	11.050 – Detainee Property, 11.050-POL-1. Officers Secure Detainee Property	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) arrested the Complainant at a hotel where he was previously trespassed. The Complainant alleged that the named employees did not have probable cause to arrest him. The Complainant further alleged that the named employees took items of clothing from him but did not return them when he was released from jail.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On June 20, 2023, OIG certified OPA's investigation as thorough, timely, and objective.



SUMMARY OF INVESTIGATION:

OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident and supplement reports, and property release receipt. OPA attempted to contact the Complainant to arrange an interview, but OPA received no response from him.

A. OPA Complaint

On May 10, 2023, the Complainant submitted a complaint to the King County Sheriff's Office, which forwarded his complaint to OPA. The Complainant wrote that SPD arrested him and booked him into jail. The Complainant wrote that he received no paperwork explaining why he was in jail. The Complainant also wrote that his coat and belt were not returned to him.

B. Computer-Aided Dispatch (CAD) Call Report

On May 4, 2023, at 12:54 AM, CAD call remarks noted, "[INTOXICATED SUSPECT] FROM PREVIOUS [TRESPASS] EARLIER BACK AND NOW DEMANDING HIS MONEY FROM STAFF, NO [WEAPONS]."

C. Body-Worn Video (BWV) and Incident and Supplement Reports

NE#1's and NE#2's BWV captured the following events on May 4, 2023. NE#1 and NE#2 arrived at a hotel and walked to the lobby. Community Member #1 (CM#1)—a hotel employee—said the Complainant got into employees' and guests' faces and threatened to assault them. CM#1 said the police previously escorted the Complainant out of the hotel, but the Complainant later returned. CM#1 said the Complainant reserved a room, did not pay for it, and demanded his money back. CM#1 wanted the Complainant out of the hotel.

NE#1 spoke with Community Member #2 (CM#2)—a hotel supervisor. CM#2 said he was not present when the Complainant first arrived but was told that the Complainant was confrontational, spat on employees, and threatened to assault them. CM#2 said he arrived and told the Complainant that he could not stay, so the Complainant became angry and threatened him. CM#2 said the police arrived, escorted the Complainant out, and told him he was trespassing from the hotel. CM#2 said the Complainant later returned, went behind the counter, and threatened to assault him. CM#2 showed NE#1 video footage of the Complainant going behind the counter, sitting at employees' desks, and getting close to employees and guests. NE#1's BWV captured that video footage.

While NE#1 spoke with CM#2, NE#2 spoke with the Complainant in the lobby. The Complainant said he had a receipt and showed NE#2 a screenshot on his phone depicting "\$171," but NE#2 noted that the image provided no booking information. The Complainant said the hotel was required to accept his booking, but NE#2 disagreed. The Complainant and NE#2 also disagreed on whether the hotel could trespass the Complainant. NE#1 approached NE#2 and the Complainant, told the Complainant that he was under arrest, and handcuffed him. NE#2 Mirandized the Complainant. The Complainant denied committing any crime. NE#1 escorted the Complainant outside in front of a patrol car, searched him, and placed his belongings on the hood of the patrol car. The Complainant had his jacket on at this time, and NE#1 did not remove a belt. NE#1 placed the Complainant's belongings in a brown paper bag. NE#2 searched the Complainant's backpack. NE#1 screened the arrest with a sergeant, and both officers agreed that they had probable cause. NE#1 and NE#2 transported the Complainant to the King County Jail (KCJ).



NE#1's incident report and NE#2's supplement report were consistent with the events captured on BWV.

D. Property Release Receipt

On May 5, 2023, the King County Department of Adult and Juvenile Detention provided the Complainant a property release receipt detailing the items returned to him. That receipt indicated a "Jacket – Light Weight" was returned to the Complainant. There was no belt listed in the receipt. The Complainant acknowledged the property release receipt with his signature.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.010 – Arrests, 6.010-POL-1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 had insufficient probable cause to arrest him for committing a crime.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within an officer's knowledge are sufficient in themselves to support a reasonable belief that an offense has been or is being committed. *See State v. Fricks*, 91 Wash.2d 391, 588 P.2d 1328 (1979); *State v. Gluck*, 83 Wash.2d 424, 426–27, 518 P.2d 703 (1974).

Here, NE#1 and NE#2 had sufficient probable cause to arrest the Complainant for trespass. CM#1 and CM#2 told the named employees that the police escorted the Complainant out of the hotel and trespassed him, but he later returned. NE#1 and NE#2 also had sufficient probable cause to arrest the Complainant for harassment. CM#1 and CM#2 told the named employees that the Complainant was confrontational, spat on employees, got into people's faces, and threatened to assault others. CM#2 reported that the Complainant threatened to beat him up and kick his face in. Though the hotel video footage did not have audio, it captured the Complainant's confrontational demeanor when he got close to people and went behind the front counter—an area he was not authorized to be in. The video footage was consistent with CM#1's and CM#2's claims. NE#1 and NE#2 had ample probable cause to arrest the Complainant based on these facts.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 – Allegation #2

11.050 – Detainee Property, 11.050-POL-1. Officers Secure Detainee Property

The Complainant alleged that NE#1 did not secure his jacket and belt.

SPD Policy 11.050-POL-1 provides that officers will store detainee property in a secured area when practical.



Here, NE#1 and NE#2 did not remove the Complainant's jacket and belt. BWV captured the Complainant wearing his jacket while NE#1 searched him. ICV captured the Complainant wearing his jacket as he sat in the backseat of the named employee's patrol car. When the Complainant exited the patrol car at KCJ, he was wearing his jacket. The property release receipt noted that a "Jacket – Light Weight" was returned to the Complainant. The evidence indicates that the Complainant's jacket was properly accounted for.

BWV did not capture NE#1 or NE#2 removing a belt from the Complainant at any point in their interaction with him. When NE#1 searched the Complainant, NE#1 placed the Complainant's items on the hood of his patrol car, then put them in a brown paper bag. NE#1 did not put a belt in that bag. Additionally, there was no belt listed in the property release receipt. There is no evidence that NE#1 or NE#2 failed to secure the Complainant's belt since they never seized his belt.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #1

6.010 – Arrests, 6.010-POL-1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#2 had insufficient probable cause to arrest him for committing a crime.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #2

11.050 – Detainee Property, 11.050-POL-1. Officers Secure Detainee Property

The Complainant alleged that NE#2 did not secure his coat and belt.

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**